

PHILLIP A. TALBERT
United States Attorney
ALSTYN BENNETT
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH PAUL HERRERA KINNEY,

Defendant.

CASE NO. 2:23-CR-00318-DC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
~~PROPOSED~~ FINDINGS AND ORDER

COURT: Hon. Dena Coggins

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. On October 8, 2024, this case was reassigned to the Honorable Dena Coggins. ECF 49. As part of that order, all court appearances currently set in the case were vacated. *Id.*
2. By this stipulation, the parties now move to set a status conference for November 22, 2024, and to exclude time between October 10, 2024 and November 22, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports and related documents, photographs, video files, and extensive electronic search warrant returns. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to consult with his client, to review
2 the current charges, to conduct investigation and research into the charges, to discuss potential
3 resolutions with his client, and to draft pretrial motions.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of October 10, 2024 to November 22,
13 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis
15 of the Court's finding that the ends of justice served by taking such action outweigh the best
16 interest of the public and the defendant in a speedy trial.

17 ///

18 ///

19 ///

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 10, 2024

PHILLIP A. TALBERT
United States Attorney

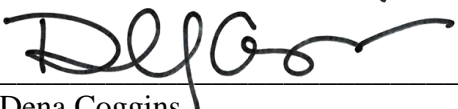
/s/ ALSTYN BENNETT
ALSTYN BENNETT
Assistant United States Attorney

Dated: October 10, 2024

/s/ HOOTAN BAIGMOHAMMADI
HOOTAN BAIGMOHAMMADI
Counsel for Defendant
JOSEPH PAUL HERRERA KINNEY

IT IS SO ORDERED.

Dated: October 10, 2024


Dena Coggins
United States District Judge